

CHAPTER 3

CONSTRUCTION, EFFECT AND PUBLICATION OF ORDINANCES

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3.01 CODE OF ORDINANCES. There is hereby created for the County of Dane a Code of Ordinances to be known as "Dane County Ordinances" and consisting of all those ordinances now in existence and on file in the office of the Dane County Clerk and acts amendatory thereto.

3.02 CITATIONS TO THE CODE. Citations to the code of ordinances shall be in one of the following forms:

- (1) "Section _____, Dane County Ordinances";
- (2) "Section _____, D. C. Ords.";
- (3) "Section _____, Dane County Code of Ordinances".

3.03 PRINCIPLES OF CONSTRUCTION. The following rules or meanings shall be applied in the construction and interpretation of ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances.

(1) *General Rule.* All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the ordinances.

(2) *Gender.* Every word in these ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.

(3) *Singular and Plural.* Every word in these ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these ordinances referring to a plural number shall also be construed to apply to one person or thing.

(4) *Person.* The word *person* shall mean any of the following entities: natural persons, corporations, partnerships, associations, bodies politic, or any other entity of any kind which is capable of being sued.

- (5) *Tense.* The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
- (6) *Fine.* The term *fine* shall be the equivalent of the word *forfeiture*, and vice versa.
- (7) *Acts by Agents.* When an ordinance requires an act to be done by a person which may be legally performed by an authorized agent of that principal person, the requirements shall be construed to include all acts performed by such agent.
- (8) *Computation of Time.* In computing any period of time prescribed or allowed by these ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this section, "legal holiday" means any statewide legal holiday specified in sec. 757.17, Wis. Stats.
- (9) *Wisconsin Statutes.* The term *Wisconsin Statutes* and its abbreviation as *Wis. Stats.* shall mean, in these ordinances, the Wisconsin Statutes for the year 1977, and shall also include session laws of the 1979 Legislature.
- (10) *Wisconsin Administrative Code.* The term *Wisconsin Administrative Code* shall mean the Wisconsin Administrative Code as of the adoption of this code, as amended or renumbered from time to time.
- (11) *Repeal.* When any ordinance which has the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
- (12) *Joint Authority.* All words purporting to give a joint authority to three (3) or more county officers or other persons shall be construed as giving such authority to a majority of such officers or other persons.

3.04 CONFLICT OF PROVISIONS.

- (1) If the provisions of different chapters conflict with each other, the provisions of each chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (2) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall have control over the more general provisions.

3.05 SEVERABILITY OF PROVISIONS. If any provisions or phrase of this code or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

3.06 EFFECTIVE DATE OF ORDINANCES.

- (1) *Code.* The Code of Ordinances, Dane County, Wisconsin, shall take effect from and after passage and publication as provided in sec. 66.035, Wis. Stats.
- (2) *Subsequent Ordinances.* All ordinances passed by the county board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect from and after their publication as a class 1 notice, under Ch. 985, Wis.

Stats., and distribution of copies of the paper wherein such notice is published pursuant to sec. 59.09, Wis. Stats.

3.07 REPEAL OF GENERAL ORDINANCES.

(1) All general ordinances heretofore adopted by the County Board of the County of Dane are hereby repealed. This shall not include any ordinances or parts of ordinances or resolutions relating to the following subjects and not conflicting with the provisions of this code:

- (a) Salaries of public officials and employees.
- (b) The creation or abolition of offices.
- (c) Releases of persons from liability.
- (d) Contracts or rights created by resolution or county board action other than general ordinance.
- (e) Naming of public property within the county.
- (f) Tax and special assessment levies.
- (g) Construction of public works.
- (h) Budget ordinances, resolutions and actions.
- (i) Issuance of corporate obligations by the county.
- (j) Establishment of grades, curb lines, and widths of sidewalks, and the location of public streets and alleys.
- (k) Waterfront property lines and regulations.

(2) *Effect of Repeals.* The repeal or amendment of any provision of this code or of any other ordinance or resolution of the county board shall not:

(a) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provisions, unless the county has expressly reserved the right to revoke such right, privilege, obligation or liability.

(b) Affect any offense, penalty or forfeiture, or prosecution for any offense, or levy of any penalty or forfeiture which has arisen prior to the repeal or amendment of the relevant provision of any ordinance or resolution. The preceding sentence shall not preclude the application of a lesser penalty or forfeiture if the new amending or repealing provision contains such a lesser penalty or forfeiture. The procedure for prosecution of any violations of ordinances repealed or amended shall be conducted according to the procedure set forth in the new amending or repealing provision or other procedure currently in effect.

3.08 IMPRISONMENT UPON FAILURE TO PAY CIVIL FORFEITURE. If a person defaults in the payment of any forfeiture for violation of any provision of this code or fails to pay the costs of prosecution for such violation, he or she may be imprisoned in the county jail until such forfeiture and costs shall be paid, however, such incarceration shall not exceed sixty (60) days.

3.09 INABILITY TO PAY FORFEITURE. Persons who are financially unable to pay forfeitures imposed upon them shall not be imprisoned. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be

considered regardless of whether or not such income or assets are subject to garnishment, lien, attachment by creditors, or execution.

3.10 CLERK TO MAINTAIN COPIES OF DOCUMENTS INCORPORATED BY REFERENCE. Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this code as if fully set forth herein and the county clerk shall maintain in his or her office a copy of any such material as adopted and as amended from time to time. Materials on file at the county clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the county clerk, subject to such restrictions on examination as the clerk imposes for the preservation of the materials.

3.11 COMPUTING NUMBER OF VIOLATIONS. Except as expressly provided otherwise in this code, each day or part thereof during which a violation of any provision of this code continues or is permitted to exist shall constitute a separate offense.
[History: cr., O.A. 14, 1990-91, pub. 10/29/90.]

3.12 INJUNCTIONS. Persons charged with enforcement of any provision of this code are authorized to seek compliance therewith by injunctive order. To the extent that forfeitures are provided for any particular violation, it shall not be necessary to prosecute for a forfeiture before seeking an injunction.
[History: cr., O.A. 14, 1990-91, pub. 10/29/90.]

END OF CHAPTER